



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rodney G. Johnson	Examiner:	Mark Beauchaine
Serial No.	10/663,436	Group Art Unit:	3653
Filed:	September 15, 2003	Docket No.	PA0891.ap.US
Title:	SHUFFLING APPARATUS AND METHOD		

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**RESPONSE UNDER 37 C.F.R. 1.312**

**MAIL STOP: ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is noted that the Examiner declined to consider DVDs (not CDs) submitted to the Patent and Trademark Office in an IDS statement. The asserted grounds for refusal to consider that art was given as 37 CFR 1.52(e)(3)(i) as being in improper form. That refusal was improper, and that provision of the Patent Rules does not apply to the content of the DVDs. A copy of the Office Action is enclosed.

Identical copies of the submitted materials have been accepted by the PTO in at least 8 other Patent Applications. Moreover, the DVDs are in read only format and constitute video image material, not written materials. The DVDs are not compatible with the written text format requirements and are in a form readable by every modern PC with Windows® software and/or other video reading software.

The video material is not capable of text conversion to a printed document as the speech relates to specific elements or constructions shown in the video. Additionally, the comportment of the speakers cannot be judged in writing.

These videos relate to individual's interpretation of devices in Patents already of record (e.g., Roblejo and Solberg) and non-authoritative commentaries by individuals who had an interest in previous litigation against the present assignee. Although this